

FILED '07 NOV 20 14:32 USDC-ORP

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

**DEBRA P. ROOD**

**06-CV-346-SU**

**Plaintiff,**

**ORDER**

**v.**

**UMATILLA COUNTY and HEATHER  
ELIZABETH LUXTON,**

**Defendants.**

**DAVID H BLACK**

HR Juris, PC  
10117 S.E. Sunnyside Road  
Suite F523  
Clackamas, OR 97015  
(503) 698-2650

Attorney for Plaintiff

**KAREN M. O'KASEY**

Hoffman Hart & Wagner, LLP  
1000 S.W. Broadway  
20th Floor  
Portland, OR 97205  
(503) 222-4499

Attorneys for Defendants

**BROWN, Judge.**

Magistrate Judge Patricia Sullivan issued Findings and Recommendation (#46) on September 4, 2007, in which she recommended the Court grant in part and deny in part Defendants' Motion for Summary Judgment (#27) and Defendants' Motion to Strike (#38). Defendants filed timely Objections to the Findings and Recommendation only as to the recommendation that the Court grant in part and deny in part Defendants' Motion for Summary Judgment. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also United States v. Bernhardt*, 840 F.2d 1441, 1444 (9<sup>th</sup> Cir. 1988); *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9<sup>th</sup> Cir. 1981), *cert. denied*, 455 U.S. 920 (1982).

This Court has carefully considered the Objections of Defendants as to whether Plaintiff had a disability that qualified her for protection under the Americans with Disabilities Act, 42 U.S.C. § 12112(a), and whether Defendants denied or interfered with Plaintiff's rights under the Family Medical Leave Act, 29 U.S.C. § 2615(a)(1). The Court concludes Defendants do not provide a basis to modify the Findings and

Recommendation. The Court also has reviewed *de novo* the pertinent portions of the record and does not find any error in the Magistrate Judge's Findings and Recommendation.

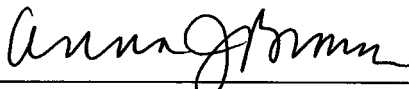
Defendants did not object to the Magistrate Judge's Findings and Recommendation that the Court grant in part and deny in part Defendants' Motion to Strike. When there are not any objections to the Magistrate Judge's Findings and Recommendation, this Court is relieved of its obligation to review the record *de novo*. See *Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9<sup>th</sup> Cir. 1983). See also *Lorin Corp. v. Goto & Co.*, 700 F.2d 1202, 1206 (8<sup>th</sup> Cir. 1983). The Court, therefore, has reviewed *de novo* the legal principles related to this portion of the Findings and Recommendation and does not find any error.

### CONCLUSION

The Court **ADOPTS** Magistrate Judge Sullivan's Findings and Recommendation (#46) and, therefore, **GRANTS in part** and **DENIES in part** Defendants' Motion for Summary Judgment (#27) and Defendants' Motion to Strike (#38).

IT IS SO ORDERED.

DATED this 20<sup>th</sup> day of November, 2007.

  
 ANNA J. BROWN  
 United States District Judge